

REMARKS

By this Amendment, the claims have been revised to overcome the examiner's objections and rejections under 35 U.S.C. 112 and to otherwise better define the invention. Entry is requested.

The examiner has rejected claims 1, 5-8, 21 and 22 under 35 U.S.C. 102(b) as being anticipated by Lenkersdorfer; he has rejected claims 2-4, 9, 10, 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over Lenkersdorfer in view of Meloni; and he has stated that claims 13-20 contain allowable subject matter.

The inventor asserts that all the presented claims are allowable.

Lenkersdorfer is concerned with the measurement of film thickness (abstract) of a layer of a wafer that is polished. In particular, Lenkersdorfer mentions an optical film thickness measuring device for measuring film thickness that employs white light (col. 5, lines 10-24). The film thickness appears to be the distance between the wafer surface and the rear plane separating the layer from the subsequent layer of the wafer. However, such film thickness measuring techniques are limited to thin films that are transparent to the light used for measurements (see the present specification, page 3, lines 2-5). According to the present invention, this problem is overcome by providing a reference mark on the sample holder and by measuring the distance between the reference mark and the surface of the sample under treatment.

Meloni teaches measuring the distance between a point on the wafer surface and the measurement device (col. 6, lines 18-20), i.e.

Meloni does not teach a sample holder comprising a reference mark either. It is further noted that Meloni is concerned with the measurement of wafer displacement, in particular due to tilt and material compression. Hence, the distance measurements are not performed to measure a removal rate; the resulting displacement measurements achieved by the distance measurement are merely correlated with removal rates (see col. 2, lines 32-61). Hence, Meloni neither anticipates nor makes obvious a distance measurement between a reference mark on the sample holder and the surface under treatment.

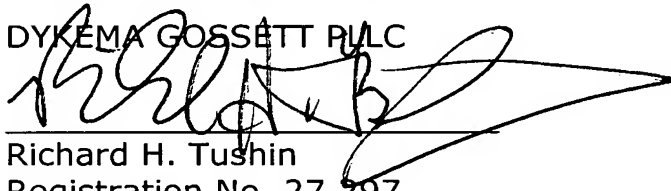
It is asserted that the examiner's rejection cannot be applied to the amended claims.

The additional government claims fee should be charged to Deposit Account No. 04-2223.

Respectfully submitted,

DYKEMA GOSSETT P/LC

By:



Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680